

Jeffrey Drake, Esq.

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| <p>1 THE WITNESS: One would have to 2 determine what the word "in" means. When he 3 eventually did tell me that one statement, I 4 said, well, would it be "into"? It would 5 seem to be more consistent with "get with." 6 So, it could have two meanings. It's a 7 double-entendre. 8 If it is a sexual connotation, 9 then it would be sexualized talk, but I 10 don't know what I would -- you would have to 11 at that point determine, go back and look at 12 the actions and ask him -- and it would be 13 based upon Ryan's professional training and 14 background -- if he considered Romig trying 15 to induce, entice, coerce her to engage in 16 explicit sexual acts. That seems a stretch 17 to me, you know, but it would be what he 18 said. 19 Now, I will say, under the new 20 law -- and I think this illustrates the 21 point -- under the new law, sexually 22 explicit conversation is included under the 23 term of sexual abuse or sexual exploitation. 24 It wasn't at that time, which</p> | <p>1 A. According to Mr. Clymer. And I think 2 Emily Mayer also said that in her deposition, that 3 she had not mentioned that to Mr. Clymer on the 4 23rd. 5 And I do want to point out that that's 6 one definition of sexual abuse or exploitation... 7 that existed in 2009. There are two other 8 definitions for that. 9 Q. Where are they? 10 A. In the same statute. The second one 11 doesn't apply because it's talking about 12 videotaping and showing. 13 But the third one is very interesting. 14 It defines sexual exploitation -- excuse me, it 15 defines child abuse as being guilty of one of 16 these crimes, and one of the crimes listed is 17 sexual exploitation and the other crime that's 18 listed is sexual abuse. 19 And I went and read those after the fact. 20 I read those sections. They clearly don't apply. 21 They're found in Title 18. I think 6312 is sexual 22 abuse, and I think 6320 is sexual exploitation. 23 They don't fit at all. So, then the question 24 becomes do they fit under the first definition.</p> |
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| <p>1 leads me to believe, although you can 2 certainly dispute it, that it wasn't back in 3 2009. 4 I thought about this all after the 5 fact. These thoughts did not come up on the 6 23rd because the "in" comment wasn't even 7 there. 8 BY MR. GROTH: 9 Q. You have already used the definition of 10 sexual abuse or exploitation from the Pennsylvania 11 statute. You had mentioned the definition of 12 sexual abuse or exploitation as "the employment, 13 use, persuasion, inducement, enticement or 14 coercion of a child to engage in or assist another 15 individual to engage in sexually explicit 16 conduct." 17 Back in 2009 was it your understanding of 18 that definition that it did not include explicit 19 text messages, emails, Facebook messages, those 20 types of communications? 21 A. I didn't think about that in 2009. And 22 again, especially in December, when there was no 23 reference to sex whatsoever, none. 24 Q. According to Mr. Clymer.</p> | <p>1 But again, I'm telling you, after the 2 fact on the 23rd, it wasn't on the radar. We 3 didn't discuss this at all. 4 Q. I understand. Did Ryan Clymer ask you to 5 actively participate in his investigation? And by 6 "actively participate" I mean get involved in 7 interviews, talking to people and gather 8 documents, trying to gather information. 9 A. No. 10 Q. Do you know if he asked anybody else to 11 help him with that? Did he tell that you? 12 A. Well, Mr. Smith was supposed to be 13 helping him get the log for December. He was 14 supposed to be trying to get the content of the 15 text messages. I think Ryan had some conversation 16 with the athletic director. 17 Q. Mr. Hollenbach. 18 A. Mr. Hollenbach. 19 Q. Did Mr. Clymer tell you that he had 20 contacted a friend who may have had children in 21 the school, a police chief, to ask him about what 22 he should do in this situation? 23 A. You know, when I looked at my notes I 24 wrote the words "police chief" here.</p> |

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| <p>1 Q. Where is that?</p> <p>2 A. First page, on the left. And I was</p> <p>3 wondering about that because I don't really</p> <p>4 remember that.</p> <p>5 But when I read Ryan's deposition, he</p> <p>6 said that when he found out about Lauren Fretz and</p> <p>7 someone making a claim that maybe she was involved</p> <p>8 sexually with Mr. Romig, Ryan indicated in his</p> <p>9 deposition that he talked to his police chief</p> <p>10 friend, I think, about that.</p> <p>11 So, I have no recollections if he talked</p> <p>12 to his police chief friend about Emily Mayer and</p> <p>13 the text situation.</p> <p>14 Q. Did he tell you that he had spoken to</p> <p>15 Kristen Kennedy?</p> <p>16 A. Not on the 23rd.</p> <p>17 Q. Okay.</p> <p>18 A. That will come on the 6th.</p> <p>19 Q. Let's just go through these notes for the</p> <p>20 first two pages so I understand what they all</p> <p>21 mean.</p> <p>22 A. Okay.</p> <p>23 Q. And you can tell me, also, about the</p> <p>24 red-ink notes.</p> | <p>1 "resigned"?</p> <p>2 A. Yes. During this conversation we talked</p> <p>3 about it would be better if Romig had resigned, if</p> <p>4 Ryan was going in that direction. And again,</p> <p>5 Ryan, I think, was leaning in that direction, but</p> <p>6 he wanted to be fair and he wanted to know what</p> <p>7 his options were.</p> <p>8 If you have an employment issue, it's</p> <p>9 better if someone resigns as opposed to being</p> <p>10 fired.</p> <p>11 Q. Did you talk to Ryan about what would</p> <p>12 happen or what should happen in the event that Mr.</p> <p>13 Romig was offered the choice to resign but refused</p> <p>14 to resign?</p> <p>15 A. Well, I said, based upon what you have --</p> <p>16 I don't think Ryan actually had the authority to</p> <p>17 terminate. He might have.</p> <p>18 I don't know the internals of the school,</p> <p>19 but I think it's possible that he could have, but</p> <p>20 it's also possible that he had to get board</p> <p>21 approval.</p> <p>22 Basically, if Ryan thought he had enough,</p> <p>23 he said "You can resign, or else I'm going to the</p> <p>24 board and I'm going to ask that you be</p> |
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| <p>1 A. Okay.</p> <p>2 Q. Let's go over the dark-ink notes first.</p> <p>3 At the top of page one there is the word "Ryan"</p> <p>4 and then next to it says what?</p> <p>5 A. "A coach. Inappropriate things."</p> <p>6 Q. What's does "X 3330" three mean?</p> <p>7 A. Could be his extension.</p> <p>8 Q. What's the note on the right-hand side of</p> <p>9 that?</p> <p>10 A. "Step-dad Kevin Smith."</p> <p>11 Q. There is what looks like 17?</p> <p>12 A. "Brought in girl 17," so Emily was</p> <p>13 seventeen.</p> <p>14 Q. Under that it says what?</p> <p>15 A. "Texting girl for last two, two and a</p> <p>16 half months."</p> <p>17 Q. Under that?</p> <p>18 A. "She deleted everything."</p> <p>19 Q. Under that?</p> <p>20 A. "A couple texts that were suggestive."</p> <p>21 Q. Are those the texts that you cite down</p> <p>22 below?</p> <p>23 A. I believe so.</p> <p>24 Q. You have in the left-hand margin the word</p> | <p>1 terminated."</p> <p>2 Q. So, you did discuss the issue of what</p> <p>3 could happen if Mr. Romig refused to resign.</p> <p>4 A. Right. And we also discussed that Romig</p> <p>5 could sue either way. That was a possibility.</p> <p>6 Q. Let's go over to the second page of your</p> <p>7 notes.</p> <p>8 A. Okay.</p> <p>9 Q. These are still from the first</p> <p>10 conversation, correct?</p> <p>11 A. Correct.</p> <p>12 Q. About a third of the way down there looks</p> <p>13 like a three and some words after that. What is</p> <p>14 that?</p> <p>15 A. "Third party."</p> <p>16 Q. "Third party."</p> <p>17 A. "Texting someone in college."</p> <p>18 Q. What's that about?</p> <p>19 A. I don't know if Emily was saying that</p> <p>20 Romig was texting Lauren. I don't know. I think</p> <p>21 it might be Lauren because the next thing says</p> <p>22 "Contacted girl from college. Came in and helped</p> <p>23 with practice." I think Lauren Fretz used to come</p> <p>24 back and practice.</p> |

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| <p>1 I'm giving you my best recollection after 2 a six-year hiatus. 3 Q. I understand. That's all I'm asking for. 4 Did you discuss with Ryan Clymer during that first 5 telephone conversation whether or not just the 6 fact that Mr. Romig sent over a thousand texts to 7 Emily Mayer over this period of time was 8 sufficient grounds for termination? 9 A. I thought it could be. 10 Q. Did Ryan Clymer say anything about that, 11 whether he thought it should be? 12 A. I think he was inclined to -- I think he 13 was leaning in that direction. 14 MR. RUSSELL: Can we briefly go 15 off the record? 16 (There was a discussion held off 17 the record) 18 MR. GROTH: We're back on the 19 record. 20 BY MR. GROTH: 21 Q. With regard to the issue of obtaining the 22 content of deleted text messages, did Ryan Clymer 23 tell you that he was going to make some effort to 24 try to do that?</p> | <p>1 written in. I think what happened was, when I had 2 the next conversation, I took some of the 3 information I learned from that conversation and 4 tried to fill it in at various places, but I'm not 5 sure about that. 6 Q. Okay. 7 A. This was all done in the time period 8 between December 23rd and January 6th. 9 Q. Okay. 10 A. Upper left -- 11 Q. Let me stop you right there, though. The 12 information that you're filling in on your first 13 two pages in red would have been information that 14 you didn't receive until January 6th. 15 A. Correct. 16 Q. Nothing in between. 17 A. Nothing in red was known on December 23rd 18 and was not known until January 6th. 19 Q. I understand. Go ahead. Upper left on 20 the first page? 21 A. "Told Pastor Paul everything." 22 Q. What does that mean? 23 A. Well, I think it means that Ryan had -- 24 this is on January 6th. Ryan had gone and told</p> |
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| <p>1 A. He told me that Mr. Smith, who had some 2 connection with law-enforcement -- I don't think 3 at that time but had a connection with 4 law-enforcement -- thought he was going to be able 5 to get that information. 6 Q. I'm not sure if you directly answered 7 this or not in previous testimony, but let me ask 8 you: Was there any discussion between you and Mr. 9 Clymer during this first conversation about 10 whether or not to report these allegations to any 11 outside agency? 12 A. There were no discussions. 13 Q. You didn't recommend it? 14 A. Correct. 15 Q. He didn't bring it up? 16 A. Correct. 17 Q. Before I forget it, let's go over the red 18 messages or notes on your written notes. Starting 19 in the upper left-hand corner, what is that? It's 20 on the first page. 21 A. Let me just give you a little bit of 22 background. 23 Q. Sure. 24 A. I'm not exactly sure when these were</p> | <p>1 Pastor Paul what was going on. 2 Q. Below that? 3 A. "The girl was still in school {not 4 playing BB)," basketball. And Romig again, He 5 vehemently denied everything." 6 Q. That note about the girl, "girl still in 7 school, (not playing basketball)". . . 8 A. Right, that would be Emily. 9 Q. Okay. Over on the right-hand side, 10 "November 9th"? 11 A. Okay. "November 9th, 1st day of 12 practice" -- this is what Ryan had been able to 13 determine by the time I talked to him on January 14 6th. 15 Q. Okay. 16 A. The log had shown that there were forty 17 texts to/from Emily and Mr. Romig. 18 Q. First day of basketball practice? 19 A. I think so, yes. 20 Q. Then it says "Resigned 1/5/10"? 21 A. Yes. That's how Ryan led our 22 conversation on the 6th. That was the big event. 23 Q. That he already resigned? 24 A. That Romig had submitted a letter dated</p> |

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| <p>1 January 5th, 2010 that he had resigned.</p> <p>2 Q. And under that it says "Health reasons,"</p> <p>3 correct?</p> <p>4 A. Right.</p> <p>5 Q. Did Ryan tell you that the reason Mr.</p> <p>6 Romig gave for resigning was health reasons?</p> <p>7 A. Yes.</p> <p>8 Q. Did you discuss that at all with him,</p> <p>9 what the issued was with his health, if there was</p> <p>10 any issue with his health?</p> <p>11 A. Well, honestly, I think he might have had</p> <p>12 a heart issue, but I think the issue was that</p> <p>13 Ryan -- and you'll see as we go further that by</p> <p>14 now Ryan is going to terminate this guy. This</p> <p>15 guy's got to leave Faith.</p> <p>16 Q. Right.</p> <p>17 A. And I don't know what Ryan said. Whatever</p> <p>18 Ryan said to him, Romig resigned.</p> <p>19 Q. So, it was a forced resignation.</p> <p>20 A. Forced? If Ryan didn't have the authority</p> <p>21 to fire him, I guess he would still -- or even if</p> <p>22 he did, I think he would still have an opportunity</p> <p>23 to make his case before the board.</p> <p>24 Q. But it was your understanding back then</p> | <p>1 Evidently the girls basketball team from</p> <p>2 FCA had gone on a -- I don't know if you would</p> <p>3 call it a field trip. They went to watch a</p> <p>4 college game at Drexel College on December 5th,</p> <p>5 and it had been determined by Mr. Smith's logs</p> <p>6 that 175 text messages had been sent to and from</p> <p>7 Emily and Romig that day, even though they were</p> <p>8 sitting next to one another.</p> <p>9 And Romig claimed to Ryan that he did not</p> <p>10 have his phone that day, and Mr. Smith, although</p> <p>11 he did not have the content of the text messages</p> <p>12 yet, was able to determine that in a period of --</p> <p>13 I don't even think it was all December -- twenty</p> <p>14 days in December Romig had sent Emily 2,100 text</p> <p>15 messages and Emily had sent Romig 1,700 text</p> <p>16 messages. That's what that is. That's what that</p> <p>17 says.</p> <p>18 MR. RUSSELL: For the record, the</p> <p>19 copy that I made, it looks like it had a</p> <p>20 little dog-ear on that bottom corner.</p> <p>21 MR. GROTH: Yes.</p> <p>22 MR. RUSSELL: So, on your original</p> <p>23 copy, I think you said 2,100 and 1,700.</p> <p>24 MR. GROTH: Can I see your copy?</p> |
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| <p>1 that Ryan was trying to force him to resign.</p> <p>2 A. He was laying it out, that "You're not</p> <p>3 going to be here any longer" and "I'm going to</p> <p>4 recommend that you be fired."</p> <p>5 Q. And down below, in the middle of the</p> <p>6 page, what does that say?</p> <p>7 A. "Her -- I don't know what that means.</p> <p>8 The next word is "more" or "move" and I don't know</p> <p>9 what that next word is, and I did study that. I</p> <p>10 asked my secretary that one, too. And then "once</p> <p>11 cleared she can play."</p> <p>12 And we were talking about that with Ryan:</p> <p>13 That, you know, at this point was the time to</p> <p>14 bring Emily Mayer back on the team.</p> <p>15 Q. Does that word after "more" begin with a</p> <p>16 D? Is that how you write your Ds?</p> <p>17 A. I would think it's a D.</p> <p>18 MS. OLSZEWSKI: "Distress"?</p> <p>19 THE WITNESS: And I don't know.</p> <p>20 BY MR. GROTH:</p> <p>21 Q. All right. And in the lower left-hand</p> <p>22 corner in red, what does it say?</p> <p>23 A. This is some of the stuff that Ryan had</p> <p>24 found out and was updating me on on January 6th.</p> | <p>1 THE WITNESS: Yes.</p> <p>2 MR. GROTH: Does anybody mind if I</p> <p>3 write that on the original?</p> <p>4 MR. RUSSELL: That it is 2,100 and</p> <p>5 1,700?</p> <p>6 MR. GROTH: Yes -- I mean on the</p> <p>7 actual exhibit.</p> <p>8 MR. RUSSELL: That's fine.</p> <p>9 MR. GROTH: Thank you.</p> <p>10 BY MR. GROTH:</p> <p>11 Q. Starting at the top of that column, what</p> <p>12 do these words say?</p> <p>13 A. Where?</p> <p>14 Q. In red: "Didn't. . .</p> <p>15 A. . . "remember doing something that."</p> <p>16 Romig, you know, said he didn't remember sending</p> <p>17 her these text messages, and certainly not on</p> <p>18 Drexel: "Oh, and by the way, I lost my phone and</p> <p>19 I didn't have it when I was at Drexel."</p> <p>20 Q. "Didn't remember doing something that"?</p> <p>21 A. Yes.</p> <p>22 Q. What is that something?</p> <p>23 A. I don't know.</p> <p>24 Q. Did Ryan Clymer tell you, in connection</p> |

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| <p>1 with this note, that he believed Mr. Romig was 2 lying about that, that Mr. Romig actually did have 3 his phone? 4 A. He did. I mean, I can get into 5 everything he told me on January 6th, but 6 that. 7 Q. We're going to get into the other notes. 8 A. . .but he did indicate that he believed 9 he had caught Mr. Romig in a lie. 10 Q. Mr. Romig said he left the phone 11 someplace, and Mr. Clymer knew it wasn't at that 12 place and it was at another place? Or he changed 13 the place? Romig changed the place where he left 14 the phone? 15 A. Mr. Romig -- and this is Ryan telling me 16 this: When Ryan asked Romig about these 175 text 17 messages on the day they went to Drexel, Romig 18 says, "I didn't have my phone that day." Where is 19 it? "Well, I left it in gym Friday night. 20 It just so happened that, even though 21 he's the headmaster at the school and the chief 22 guy, he's also a good guy and he was cleaning up. 23 He's cleaning the gym as the headmaster. 24 He said he was convinced that there was</p> | <p>1 Robin evidently said "He had it and I saw him 2 using it." 3 So, now Ryan thinks Romig is lying to 4 him, at least about the number of text messages. 5 He's upset. Now he knows there were 2,100 text 6 messages that have been sent. There were 1,700 7 sent back, but 2,100 were sent by him. It could 8 be an infatuation or inappropriate relationship; 9 it could have been consensual. He didn't know, but 10 just knew it was wrong on Ryan. 11 So, this is what Ryan -- Ryan found this 12 out before he talked me on the 6th, so I'm 13 assuming -- in fact, I'm pretty sure that he then 14 went to Romig at some point, said "You lied to me 15 about. . ." 16 Q. Not having the phone? 17 A. ". .not having the phone. You lied to 18 me -- I don't know if you lied, but there are all 19 these messages. I'm going to ask you to resign." 20 Romig had said something like "You're 21 going to fire me based upon the number of text 22 messages?" And Ryan says "That's right." 23 Q. All right. 24 A. Inappropriate.</p> |
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| <p>1 no phone on that trash can that night. I think 2 later he might have said that to Romig and Romig 3 said, "Oh, I left it in the bleachers." And Ryan, 4 I think, told me at one point, "Well, I didn't 5 necessarily check every bleacher, but I didn't see 6 any phone there." 7 Q. Right. 8 A. But Ryan did something once Romig had 9 told him that -- can I say? 10 Q. Yes, go ahead. 11 A. Ryan fairly quickly went down to talk to 12 the assistant coach -- whose name was Robin 13 Landis? 14 Q. Right. 15 A. (Continuing) -- and Robin Landis is a big 16 supporter, or at least at that point a big 17 supporter of Romig. But Ryan got to her before 18 Romig could -- and I want to step back. I think 19 Romig even said to Ryan "You can check with Robin. 20 She'll tell you I didn't have the phone." 21 So, Ryan goes right down and talks to 22 Robin and doesn't tell her all the reasons why, 23 but he says, "Did Eric have his phone when you 24 went to the Drexel game in early December?" And</p> | <p>1 Q. So, on January 6th, when Ryan gave you 2 this information? 3 A. Yes? 4 Q. He knew that his friend, who he went to 5 school with all his life, had lied to him about an 6 important issue: Whether or not he had his cell 7 phone on a certain date, correct? 8 A. Correct. 9 Q. On January 6th, 2010 or at any time, did 10 Ryan Clymer tell you that he had caught Emily 11 Mayer in any lies? 12 A. He never said it that way, but he 13 wondered why -- he thought Emily had given him 14 wrong information with regard to Lauren Fretz. 15 You know, he didn't know if it was intentional or 16 not. Emily could have believed that, but it was 17 incorrect information. 18 Q. But not an outright fabrication? 19 A. Could have been, but might not have been. 20 Q. What did Emily supposedly say to Ryan 21 Clymer about Lauren Fretz? 22 A. "You should check with Lauren Fretz. She 23 may have had some kind of relationship with the 24 coach" or she did have. I don't know the actual</p> |

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| <p>1 wording. And it was knocking in the back of</p> <p>2 Ryan's mind -- and I would say mine, too -- that</p> <p>3 Emily had deleted every message and hadn't shown</p> <p>4 them to anybody.</p> <p>5 So, Ryan still at this point -- and</p> <p>6 again, we can talk about the employment aspect.</p> <p>7 The investigation was not over. It was ongoing.</p> <p>8 Mr. Smith was hopefully going to be getting us</p> <p>9 those text messages.</p> <p>10 Ryan and I talked about did he have</p> <p>11 enough -- well, can I back up a little?</p> <p>12 Q. Sure.</p> <p>13 A. Okay. So, it's great, we got this</p> <p>14 resignation letter here from Romig, but Romig</p> <p>15 started to have second thoughts.</p> <p>16 What does that mean? Romig didn't know if</p> <p>17 he should have resigned and was thinking about</p> <p>18 maybe he didn't want to resign and somehow retract</p> <p>19 that resignation. The second thing is --</p> <p>20 Q. How did Ryan Clymer find that out? Did he</p> <p>21 tell you?</p> <p>22 A. I guess he heard it, and I don't know if</p> <p>23 this is in the first conversation or the second</p> <p>24 conversation that day. Very small school; word</p> | <p>1 concerning -- was this Robin Landis, who had been</p> <p>2 the assistant coach; who had been at practice, I</p> <p>3 think, every day; who knew the girls and knew them</p> <p>4 pretty well, was adamant that Eric Romig was</p> <p>5 innocent and that Emily Mayer was lying. And she</p> <p>6 would know because she was there. And if Eric ...</p> <p>7 Romig, say, was fired or terminated, Robin Landis</p> <p>8 was going to quit, and she may already have quit.</p> <p>9 So, that was interesting.</p> <p>10 So, Ryan was not deterred. He wanted</p> <p>11 Romig out because he had lied to him and he had</p> <p>12 sent this inordinate number of text messages, so</p> <p>13 that's when Ryan told me about the board meeting</p> <p>14 the next night. And, you know, whether Eric was</p> <p>15 going to go; whether there was going to be support</p> <p>16 for Romig.</p> <p>17 I don't know what kind of Coach Romig</p> <p>18 was, but I heard he was popular, which means at</p> <p>19 high school he probably was winning, so he</p> <p>20 probably had his supporters. He certainly had a</p> <p>21 supporter in Robin Landis.</p> <p>22 We still did not have those text messages</p> <p>23 or the contents at all, and he's saying "I'm being</p> <p>24 fired for sending too many text messages?"</p> |
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| <p>1 passes.</p> <p>2 Then Ryan hears -- and I don't know if</p> <p>3 she called him. Romig's wife was very supportive</p> <p>4 of him: Didn't do this; hey, some of those text</p> <p>5 messages were from me or could have been from me.</p> <p>6 Q. What text messages?</p> <p>7 A. Well. . .</p> <p>8 Q. "I want to marry you"?</p> <p>9 A. She didn't say.</p> <p>10 Q. I'm asking whether he said --</p> <p>11 A. He didn't say.</p> <p>12 Q. Was it your impression from what Ryan was</p> <p>13 telling you that, if there were inappropriate text</p> <p>14 messages, they were actually from his wife, so</p> <p>15 they weren't inappropriate?</p> <p>16 A. That's, I think, what the wife was</p> <p>17 probably telling him.</p> <p>18 Q. But if the messages went to a student</p> <p>19 that he was coaching, that would be inappropriate.</p> <p>20 A. Oh, yes. Everything we talked about went</p> <p>21 to -- is inappropriate for purposes of losing your</p> <p>22 job.</p> <p>23 Q. Yes.</p> <p>24 A. The third thing -- and this was</p> | <p>1 He had a story that they weren't</p> <p>2 inappropriate; that he was talking basketball;</p> <p>3 that's he was helping her with her relationship</p> <p>4 with her father and all this stuff.</p> <p>5 So, Ryan and I started to gear up to come</p> <p>6 to the meeting and, if I had to, tell the board</p> <p>7 this is why he should remain terminated: We don't</p> <p>8 have all the information yet; hope to get it. But</p> <p>9 what we know now and he's resigned, don't let him</p> <p>10 back in.</p> <p>11 Q. Okay. Was there any discussion with Mr.</p> <p>12 Clymer about continuing the investigation, even</p> <p>13 though Mr. Romig had already resigned?</p> <p>14 A. That was my impression, that they wanted</p> <p>15 those text messages. Those text messages could</p> <p>16 reveal a lot.</p> <p>17 There are now over 2,500 of them, and</p> <p>18 there could be stuff in there that -- you know,</p> <p>19 it's interesting: Emily said in her deposition</p> <p>20 that, no, there wasn't -- she didn't say anything</p> <p>21 sexual at the first one, but then later in her</p> <p>22 deposition said, yeah, there was sexual stuff</p> <p>23 there. We didn't know what was there.</p> <p>24 So, I thought the investigation would</p> |

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| <p>1 probably continue on. I was going to be 2 continuing on in this case. 3 Q. Well, when you say you didn't know what 4 the content was, as of January 6th Mr. Clymer had 5 received Romig exhibit six, which was the email 6 from Annette Smith with the Emily Mayer statements 7 about what was in some of the texts that she was 8 sent, including, for example, "Beginning of 9 November he started telling me how he and Lauren 10 did sexual things and was hinting at me to be this 11 way." 12 "December 5th" -- she has DeSales and I 13 think we know it's the Drexel game -- "he texted 14 me and said 'I want to be in you.' This month he 15 would just tell me every day that he was in love 16 with me. He would forward text messages he said 17 were between he and Lauren Fretz and asks if I was 18 jealous." 19 So, as of January 6th Mr. Clymer now has 20 these statements, these typed statements, from 21 Emily Mayer saying "these were some of the 22 inappropriate text messages that he sent to me." 23 Did Ryan Clymer discuss this document 24 with you at all on the 6th?</p> | <p>1 "I love you, I want to marry you." But what does 2 it mean, "I want to be in you"? Is he trying to 3 entice or induce her? If it was actually said. 4 And that one, I think, that remark -- I 5 hope I would have gotten that list at a later 6 point and I mostly hope that we would have gotten 7 the text messages. 8 But what we were doing on the 6th is, we 9 were getting ready to go on the 7th to try to keep 10 Mr. Romig out of the school. 11 Q. And the first statement that Emily Mayer 12 wrote that I read to you -- "Beginning of November 13 he started telling me how he and Lauren did sexual 14 things and was hinting at me to be this way" -- he 15 didn't tell you that on January 6th, either, did 16 he? 17 A. He didn't, but if that's true -- could 18 you read that again? 19 Q. Yes, I'll let's you read it yourself. 20 It's part of Romig exhibit six. 21 MS. SOMMER: Could we take a brief 22 recess? 23 THE WITNESS: Let me just answer 24 this question and then I'll be done.</p> |
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| <p>1 A. He did not tell me about that document. 2 However, if you say he had it and he knew about 3 it, that makes perfect sense to me why he would 4 continue his investigation, hoping that these text 5 messages are going to -- the content's going to 6 show up. 7 Q. Was there any discussion with you on 8 January 6th and Mr. Clymer regarding whether or 9 not Mr. Romig's activities should be reported to 10 Child Protective Services or any other outside 11 agency? 12 A. No. The facts remained the same, with 13 this one exception: As Ryan and I were preparing 14 to go to the meeting the next night, I said, okay, 15 what do we have? Because there were arguments on 16 both sides. 17 And I said, okay, here's what Emily 18 claims was said and I went through my list, and 19 when I got to number four Ryan said, "Oh, that's 20 'I want to be inside you' or 'in you'" -- I think 21 it was "in you," "I want to be in you." Oh, I 22 hadn't heard that one before. 23 Again, that one, it does have a double 24 meaning. You don't have much double meaning with</p> | <p>1 MS. SOMMER: All right. 2 THE WITNESS: If he said that, I 3 mean, Lauren Fretz had already said no, 4 didn't happen. 5 BY MR. GROTH: 6 Q. That wasn't my question to you. My 7 question was, did he tell you about that text that 8 Ms. Mayer said she got from him? 9 A. No. 10 Q. Can you read that any other way than 11 asking her if she was interested in doing some 12 sexual activity with him? Is there any double 13 meaning to that, to your interpretation? 14 A. This was not a fact before me at the 15 time. You've asked me to be drawing a conclusion, 16 and I can only comment on what facts were before 17 me at the time. 18 Q. Okay. 19 MR. GROTH: Do you need to take a 20 break? 21 MS. SOMMER: Yes. 22 MR. GROTH: Fine. 23 (A brief recess was taken) 24 MR. GROTH: We're back on the</p> |

20 (Pages 77 to 80)

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| <p>1 record.</p> <p>2 BY MR. GROTH:</p> <p>3 Q. Mr. Drake, we didn't go over some of the</p> <p>4 red notes on the bottom of page one in the</p> <p>5 right-hand column. After the date 12/5/09 there</p> <p>6 is a note down below. What does that say?</p> <p>7 A. Left-hand side, right?</p> <p>8 Q. Correct.</p> <p>9 A. I thought I did talk about these. The</p> <p>10 father, Smith, had gotten the December phone</p> <p>11 records and that's what showed that there were 175</p> <p>12 texts that were sent.</p> <p>13 Q. I'm just asking you to translate the --</p> <p>14 A. "Father December phone records."</p> <p>15 Q. Thank you. You said you had two</p> <p>16 conversations with Ryan Clymer on January 6th,</p> <p>17 correct?</p> <p>18 A. Correct.</p> <p>19 Q. Would it be fair to say that the second</p> <p>20 conversation was pretty much just to talk about</p> <p>21 what you were going to say or do with the board</p> <p>22 the following night?</p> <p>23 A. Sounds logical, but I'm not sure that's</p> <p>24 what happened.</p> | <p>1 while she was a student at FCA in which he asked</p> <p>2 her repeatedly about her intimate sex life with</p> <p>3 her boyfriend, including when they did it, how</p> <p>4 they did it, what positions they did it in,</p> <p>5 whether she liked it or not, those types of</p> <p>6 things? Did Clymer tell you that?</p> <p>7 A. Ryan never told me that, and I don't</p> <p>8 believe that she told him that, but he didn't tell</p> <p>9 me that.</p> <p>10 Q. You didn't read Kristen Kennedy's</p> <p>11 deposition, did you?</p> <p>12 A. Well, I don't think -- I'm not sure.</p> <p>13 Q. So, you don't know what she testified to</p> <p>14 under oath.</p> <p>15 A. Ryan didn't tell me that. That's all I</p> <p>16 can tell you.</p> <p>17 Q. That's all I was interested in. At any</p> <p>18 time during either of the conversations on January</p> <p>19 6th that you had with Mr. Clymer by telephone, did</p> <p>20 you discuss the issue of whether or not these</p> <p>21 allegations of Emily Mayer against Mr. Romig</p> <p>22 should be reported to any outside agency or</p> <p>23 authority?</p> <p>24 A. No.</p> |
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| <p>1 Q. It's hard to separate what was said in</p> <p>2 either conversation?</p> <p>3 A. Right.</p> <p>4 Q. And there is no indication in your notes</p> <p>5 as to what was said in one conversation or the</p> <p>6 other on January 6th?</p> <p>7 A. Right.</p> <p>8 Q. At any time on January 6th did Ryan</p> <p>9 Clymer tell you that he had actually spoken to</p> <p>10 Kristen Kennedy?</p> <p>11 A. Yes.</p> <p>12 Q. What did he say about that?</p> <p>13 A. He had called Kristen Kennedy and she</p> <p>14 said that she liked Coach Romig; that he had kind</p> <p>15 of been some kind of a mentor to her or something;</p> <p>16 that nothing really happened while they were at</p> <p>17 Faith, but after she had left Faith he had sent</p> <p>18 some kind of text message that she didn't like.</p> <p>19 So, her father saw -- or she told her</p> <p>20 father, and she didn't have any further contact</p> <p>21 with Romig after that.</p> <p>22 Q. Did Mr. Clymer tell you whether or not he</p> <p>23 was told by Kristen Kennedy that she had received</p> <p>24 numerous electronic communications from Mr. Romig</p> | <p>1 Q. You read his deposition transcript,</p> <p>2 correct?</p> <p>3 A. I did.</p> <p>4 Q. You saw his testimony where he says that</p> <p>5 you discussed that exact issue with him, correct?</p> <p>6 A. I saw that.</p> <p>7 Q. And is he mistaken?</p> <p>8 A. I think he's mistaken.</p> <p>9 Q. Let's talk about your notes for the</p> <p>10 conversations on January 6th, 2010. Let's start</p> <p>11 on the third page.</p> <p>12 I'm sorry I have to go through this with</p> <p>13 you, have you translate, but it looks like you</p> <p>14 don't have an issue reading it. That's the only</p> <p>15 way we can actually know what your notes say or</p> <p>16 mean.</p> <p>17 A. I understand.</p> <p>18 Q. Starting with the top note on page three,</p> <p>19 what does that say?</p> <p>20 A. "Met with everyone he needs to."</p> <p>21 Q. Did he tell you who he met with?</p> <p>22 A. I think he said he met with Robin Landis;</p> <p>23 maybe the athletic director; he talked to the</p> <p>24 parents. I don't know if he ever talked to the</p> |

21 (Pages 81 to 84)

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| <p>1 boyfriend.</p> <p>2 Q. Lauren Fretz and Kristen Kennedy?</p> <p>3 A. Talked to Lauren Fretz and Kristen</p> <p>4 Kennedy.</p> <p>5 Q. Did he say whether or not he spoke to any</p> <p>6 of the board members?</p> <p>7 A. He told me earlier that he had talked to</p> <p>8 Pastor Paul. I don't remember saying he talked to</p> <p>9 the board members.</p> <p>10 Q. Did he tell you what he discussed with</p> <p>11 Pastor Auckland?</p> <p>12 A. Just that he brought him up-to-speed as</p> <p>13 to what was happening.</p> <p>14 Q. The next note says "175 texts." What is</p> <p>15 after that?</p> <p>16 A. "Lost phone that day."</p> <p>17 Q. Oh, "lost phone that day."</p> <p>18 A. That's the Drexel game.</p> <p>19 Q. Did Mr. Clymer tell you in this</p> <p>20 conversation that when he determined that Mr.</p> <p>21 Romig had lied about losing his phone on that day</p> <p>22 of the trip to Drexel, that that was very</p> <p>23 concerning or disturbing to him? That if he lied</p> <p>24 about that, he might be lying about the content of</p> | <p>1 Q. Do you recall reading testimony from her</p> <p>2 that, later on that year, at the end of the year,</p> <p>3 she had a conversation with Robin Landis where</p> <p>4 Robin Landis told her that she now believed her</p> <p>5 accusations against Eric Romig?</p> <p>6 A. I do remember that.</p> <p>7 Q. What's the note in the left-hand margin?</p> <p>8 A. "Thursday 7 p.m. at church offices."</p> <p>9 Q. That was the board meeting.</p> <p>10 A. Yes.</p> <p>11 Q. What's the note starting with "When"?</p> <p>12 A. "When did you find phone." I guess this</p> <p>13 must be Romig. It says "Sunday morning in gym."</p> <p>14 Q. That Romig was saying he found the phone</p> <p>15 Sunday morning in the gym?</p> <p>16 A. That's what I believe it means. And then</p> <p>17 right below it Ryan's telling me nine a.m.</p> <p>18 Saturday morning it wasn't there, at least on the</p> <p>19 trash can. It just says "9:00 Saturday morning -</p> <p>20 not there."</p> <p>21 Q. What's it say under that?</p> <p>22 A. "Wasn't there on the 6th of December."</p> <p>23 That was Ryan saying, as far as he knew, it wasn't</p> <p>24 there on the 6th.</p> |
| Page 86 | Page 88 |
| <p>1 the text messages he sent to Emily Mayer?</p> <p>2 A. He didn't say it that way. He was</p> <p>3 concerned that he had lied about the number of</p> <p>4 messages, but he didn't say "Oh, now maybe she's</p> <p>5 telling truth."</p> <p>6 He never didn't not believe her or</p> <p>7 believe her. He was just trying to accumulate</p> <p>8 some degree of evidence.</p> <p>9 Q. Did you ever advise Mr. Clymer that one</p> <p>10 way that he could get to the bottom of this was to</p> <p>11 report this allegation to the authorities and let</p> <p>12 them do whatever was necessary to get the content</p> <p>13 of the text messages? Did you ever tell him that?</p> <p>14 A. I did not. And we had not gotten to that</p> <p>15 point. Our point was, keep Romig out of the</p> <p>16 school. And I don't know what would have happened</p> <p>17 after that.</p> <p>18 Q. What's the next note say?</p> <p>19 A. "Called coach he was with" -- that must</p> <p>20 be Robin Landis, the assistant -- and then "Robin</p> <p>21 Landis said had the phone, saw him using it."</p> <p>22 Q. Did you read all of Emily Mayer's</p> <p>23 deposition?</p> <p>24 A. I believe I read the whole thing.</p> | <p>1 Q. And then it says "Will call parents."</p> <p>2 What did that refer to?</p> <p>3 A. I think it might be all of the parents or</p> <p>4 it could easily -- it is obviously either Emily's</p> <p>5 parents or -- maybe it's just Emily's parents</p> <p>6 because the next note says "a statement for the</p> <p>7 girl coming back."</p> <p>8 So, I don't really know for sure what</p> <p>9 "will call parents" means.</p> <p>10 Q. What was the meaning of the note "a</p> <p>11 statement for the girl coming back"?</p> <p>12 A. Ryan says, "Well, we've got to come up</p> <p>13 with some kind of statement as to what happened</p> <p>14 here, and I want to bring Emily back on the team."</p> <p>15 Q. Statement to whom?</p> <p>16 A. Probably the team and the other parents.</p> <p>17 Q. Do you know if that was done?</p> <p>18 A. I roughed something out, which is on the</p> <p>19 last page, which I believe you have as the 6th. I</p> <p>20 don't know if this was ever used. I don't know if</p> <p>21 I sent this to him. I don't know if I would have</p> <p>22 orally said this to him, but if Eric can read it</p> <p>23 for you to get over my poor writing.</p> <p>24 "Eric Romig was the girls varsity coach</p> |

22 (Pages 85 to 88)

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| <p>1 from FCA from" blank "to 1/5/10. On 1/5/10 Mr. 2 Romig submitted his letter of resignation, citing 3 health reasons. Mr. Romig has had no further 4 involvement with FCA athletics since his 5 resignation." 6 So, again, I don't know if that letter 7 went out. I probably would have crafted a letter 8 to go out and worked on this stuff if I were still 9 on the case. 10 Q. Do you know whether or not Mr. Clymer or 11 anybody at FCA ever came up with a letter or 12 statement or explanation that was distributed to 13 the team or to parents or others at the school 14 regarding Mr. Romig's departure? 15 A. I don't know. I can tell you that when I 16 closed this file. . . 17 Q. On January 6th. 18 A. . . the next time I thought about it was 19 when the story of your client hit the paper. 20 Q. In 2013. 21 A. 2013. 22 Q. So, to answer my question: No, you don't 23 know whether or not he sent any letter to the 24 parents or the team about Mr. Romig's departure.</p> | <p>1 A. Yes. My recollection is that if I'm 2 talking to him on a Wednesday, they're going to 3 have the meeting on Thursday. There's going to be 4 a game on Friday -- the girls are going to have a 5 game on Friday -- then he was going to have a 6 meeting with the parents after the game on Friday. 7 Q. To talk about Romig. 8 A. And to talk about the plan for the team. 9 There is a new coach, you know. "We're going to 10 move forward." 11 "Questions about Romig. Coach Romig has 12 resigned. We've accepted his resignation. We're 13 moving forward." It says "not further comments." 14 It should be "no further comments." 15 Q. I'm sorry, after 3A it says "Coach Romig 16 has resigned," and what's after that? 17 A. I do apologize for my writing: "We've 18 accepted his resignation." 19 Q. "We're moving forward"? 20 A. Correct. 21 Q. "No further comments"? 22 A. It's "not," but it should be "no." 23 Q. Are these four items things that Mr. 24 Clymer was telling you he is going to do, or were</p> |
| Page 90 | Page 92 |
| <p>1 A. I have no recollection that he did. 2 Q. What is the note that starts with a 3 capital A? 4 A. "A 2 liner." I think it was a short 5 letter, a statement. 6 Q. Meaning give a minimal amount of 7 information and no details other than the fact 8 that he resigned. 9 A. I'm not sure that's what it means. Short 10 and sweet: I don't know what their intention was. 11 Q. Was that something he was proposing to 12 do, or is that something you were recommending to 13 him to do? 14 A. My recollection is that's what he wanted 15 me to do. 16 Q. Under that it has "Asked for phone 17 records for the 4th, 5th and 6th." What are those 18 dates? 19 A. I would think that they're December as 20 opposed to January, December 2009, because that 21 was around the Drexel-trip time, but I don't know. 22 I don't know for sure. 23 Q. And on page five, let's go over the notes 24 on there: "Meeting of parents"?</p> | <p>1 these recommendations that you were making to him, 2 or what? 3 A. I think this was his plan. I couldn't 4 absolutely be certain of that. 5 Q. So, you think he's telling you his plan 6 of what he's going to do and you're writing these 7 down numerically. 8 A. Yes -- you know, just the fact that I 9 wouldn't have known there was a game on Friday. I 10 don't think I would have known that. 11 Q. Paragraph four, is that "Emily"? 12 A. Yes. 13 Q. What does it say after that? 14 A. "We asked Emily to step away from team 15 until we could finish our investigation in this 16 matter." I think I might have said "Use the word 17 review. It sounds less formal. We have found 18 nothing that would preclude Emily from being on 19 the team." 20 See, at this point we didn't really know 21 if Emily was telling the truth. Emily had sent an 22 awful lot of text messages back to him and some of 23 her facts didn't pan out. 24 However, irrespective of that, what Romig</p> |

23 (Pages 89 to 92)

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| <p>1 did was wrong. He sent all those text messages and</p> <p>2 then he lied, so he's got to go. So, we didn't</p> <p>3 have anything that would preclude her from being</p> <p>4 on the team. She was going to rejoin the team on</p> <p>5 Monday.</p> <p>6 I may have written number four...That</p> <p>7 sounds more like something I would say, but I</p> <p>8 don't really remember.</p> <p>9 Q. Do you recall anything about your</p> <p>10 conversations with Mr. Clymer on January 6th,</p> <p>11 2010?</p> <p>12 A. Not right now.</p> <p>13 Q. Has Mr. Clymer or anybody from the board</p> <p>14 or any administration person at Faith Christian</p> <p>15 Academy or Faith Baptist Church ever referred to</p> <p>16 you as their Christian lawyer? Have you ever</p> <p>17 heard them refer to you in that way?</p> <p>18 A. People refer to me as their lawyer,</p> <p>19 sometimes their Christian lawyer. I mean, I'm a</p> <p>20 lawyer who happens to be a Christian.</p> <p>21 Q. I understand that. I'm just asking</p> <p>22 you --</p> <p>23 A. If people wanted to refer to me that</p> <p>24 way -- I guess I've heard it. I don't ever</p> | <p>1 Q. I'm asking you whether or not you know,</p> <p>2 other than Mandes, who came in after you, was Ryan</p> <p>3 Clymer, through the 6th of January of 2010, was he</p> <p>4 getting legal advice from any other lawyer other</p> <p>5 than you.</p> <p>6 A. He better not have been -- no, I'm</p> <p>7 kidding. I don't know if he was or not.</p> <p>8 Q. On page 126 -- and you can look at it if</p> <p>9 you need to -- of Mr. Clymer's deposition, he goes</p> <p>10 into an a discussion about talking to you about</p> <p>11 the issue of whether or not there had to be</p> <p>12 physical abuse or physical contact as a</p> <p>13 requirement for reporting to outside parties,</p> <p>14 reporting suspected abuse or whatever to outside</p> <p>15 parties; that if there was no physical abuse,</p> <p>16 there was no abuse that had taken place, and that</p> <p>17 you would have told him if he had to report the</p> <p>18 allegations.</p> <p>19 Do you recall any such conversation like</p> <p>20 that with Mr. Clymer?</p> <p>21 MR. RUSSELL: If you want to look</p> <p>22 at the transcript?</p> <p>23 MR. GROTH: He's welcome to look</p> <p>24 at it. It's page 126 through -- actually,</p> |
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| <p>1 remember if anybody from Faith refers to me that</p> <p>2 way.</p> <p>3 Q. There is a series of emails between Ryan</p> <p>4 Clymer and Mr. Hollenbach which are marked</p> <p>5 Hollenbach exhibit three, and it says, in part, in</p> <p>6 one of those from Ryan Clymer to Hollenbach, "We</p> <p>7 need to keep doing what our Christian lawyer is</p> <p>8 telling us to do and pray for all parties."</p> <p>9 To your knowledge or information, was</p> <p>10 Ryan Clymer getting advice or counsel from any</p> <p>11 other lawyer about what they should do about this</p> <p>12 Romig and Mayer situation besides you?</p> <p>13 A. What's the date of that?</p> <p>14 Q. The date of that is January 7th.</p> <p>15 A. Well, I was out by then. You know, they</p> <p>16 did have another lawyer, Mr. Mandes, who is a</p> <p>17 Christian as well, so I don't. . .</p> <p>18 Q. I wasn't --</p> <p>19 A. No, I don't know. I don't know what the</p> <p>20 answer is.</p> <p>21 Q. I wasn't asking you whether or not he was</p> <p>22 referring to you. I'm not asking you to get in</p> <p>23 his head.</p> <p>24 A. Okay.</p> | <p>1 why don't you read 126 through 129 to</p> <p>2 yourself?</p> <p>3 (Witness complies)</p> <p>4 A. Okay.</p> <p>5 Q. Did you ever have that discussion with</p> <p>6 Mr. Clymer?</p> <p>7 A. Let's take me back to where you are.</p> <p>8 Q. Sure. Starting on page 126, regarding</p> <p>9 the issue as to whether there had to be physical</p> <p>10 contact in order to have abuse, harassment or</p> <p>11 exploitation that had to be reported to outside</p> <p>12 parties, the question was, "Did you ever discuss</p> <p>13 that issue with Mr. Drake?</p> <p>14 "A: Did I discuss what issue?</p> <p>15 "Q: That specific issue that you</p> <p>16 just answered a question about what</p> <p>17 constituted abuse, harassment or</p> <p>18 exploitation that had to be reported to an</p> <p>19 outside party.</p> <p>20 "A: I believe I did, yes."</p> <p>21 Did that discussion take place with Mr. Clymer?</p> <p>22 A. To my recollection, it did not take place</p> <p>23 in regard to this case. I mean, I've represented</p> <p>24 Faith before --</p> |

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| <p>1 Q. I'm just talking about this case.</p> <p>2 A. Right. I don't remember ever being there</p> <p>3 because it is very clear that Emily had claimed,</p> <p>4 at least at that time, that she had not been</p> <p>5 touched by Romig in any way, and I had the four</p> <p>6 statements that I've talked about earlier. So,</p> <p>7 this didn't even come up.</p> <p>8 Q. So, there was no discussion.</p> <p>9 A. I don't remember a discussion.</p> <p>10 Q. There are no notes in your file regarding</p> <p>11 any discussion about mandatory reporting,</p> <p>12 reporting to outside authorities, Pennsylvania</p> <p>13 Child Protective Services Law, anything of that</p> <p>14 nature, correct?</p> <p>15 A. That's correct.</p> <p>16 Q. Down to page 127, line 12 -- let's start</p> <p>17 at line three: "Q: Did Jeff Drake tell you that it</p> <p>18 was his legal opinion that there was nothing here</p> <p>19 that had to be reported to the Department of</p> <p>20 Public Welfare or Department of Education, the DA</p> <p>21 or the police?</p> <p>22 "A: I believe he would have told</p> <p>23 me if I had to, yes.</p> <p>24 "Q: Did he tell you you didn't</p> | <p>1 did not have to report it."</p> <p>2 Did you ever tell Mr. Clymer that these</p> <p>3 allegations did not have to be reported?</p> <p>4 A. No, it did not come up.</p> <p>5 Q. Do you recall ever giving Mr. Clymer</p> <p>6 during your telephone conversation with him your</p> <p>7 interpretation of any of the provisions of the</p> <p>8 Child Protective Services Law?</p> <p>9 MR. RUSSELL: During the time</p> <p>10 period that we're discussing?</p> <p>11 MR. GROTH: During the time</p> <p>12 period, yes.</p> <p>13 THE WITNESS: No.</p> <p>14 BY MR. GROTH:</p> <p>15 Q. So, you never had a face-to-face meeting</p> <p>16 with Mr. Clymer about this issue, correct?</p> <p>17 A. During. . .</p> <p>18 Q. During those days.</p> <p>19 A. Right, no.</p> <p>20 Q. Was there any further investigation of</p> <p>21 the allegations by Mr. Clymer or FCA after January</p> <p>22 6th, that you know of?</p> <p>23 A. As I indicated earlier, when I closed my</p> <p>24 file, I didn't even think about this case after</p> |
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| <p>1 have to?</p> <p>2 "A: I don't know if he told me I</p> <p>3 didn't have to. He didn't tell me I had to.</p> <p>4 "Q: So, it wasn't discussed?"</p> <p>5 There is an objection and then an answer: "I</p> <p>6 think we went over the mandated reporting at that</p> <p>7 time, absolutely."</p> <p>8 Again, my question to you is: That</p> <p>9 conversation never occurred with Mr. Clymer, to</p> <p>10 your recollection, correct?</p> <p>11 A. Well, I don't ever remember going over</p> <p>12 the mandated reporting with him at that time.</p> <p>13 Q. That's all I'm asking you about.</p> <p>14 A. All right.</p> <p>15 Q. On page 128, line 12, the question is:</p> <p>16 "Did you take action with regard to Mr. Romig, the</p> <p>17 resolution of the issue with Mr. Romig, based upon</p> <p>18 that representation by Mr. Drake" -- strike that.</p> <p>19 Let's go back a little further.</p> <p>20 Page 127, line 16, the question is, "What</p> <p>21 was the conclusion that Mr. Drake reached about</p> <p>22 reporting this to an outside agency?" And there</p> <p>23 were a number of different objections, then the</p> <p>24 answer was, "Looking at the way it's stated, we</p> | <p>1 that.</p> <p>2 Q. Did you ever talk to any of the people</p> <p>3 Mr. Clymer spoke to, such as the witnesses he</p> <p>4 interviewed or the administrators at the school</p> <p>5 that he talked to, about the Romig and Mayer</p> <p>6 situation? Did you ever talk to any of those</p> <p>7 people at all?</p> <p>8 A. I did not. The only knowledge I have is</p> <p>9 what Ryan told me during those three</p> <p>10 conversations.</p> <p>11 MR. GROTH: I have no further</p> <p>12 questions. Thank you.</p> <p>13 MR. RUSSELL: Can we just take a</p> <p>14 quick break?</p> <p>15 MR. GROTH: Sure.</p> <p>16 (A brief recess was taken)</p> <p>17 MR. RUSSELL: Back on the record.</p> <p>18 We have no further questions.</p> <p>19 MS. SOMMER: I have a few</p> <p>20 questions.</p> <p>21 (EXAMINATION)</p> <p>22 BY MS. SOMMER:</p> <p>23 Q. Your notes, Drake-1, I just wasn't able</p> <p>24 to hear or don't recall. Very top corner, page</p> |

25 (Pages 97 to 100)

Jeffrey Drake, Esq.

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| Page 101 | Page 103 |
|---|--|
| <p>1 one, on the right-hand side, it looks like there</p> <p>2 is something that has a number and starts with an</p> <p>3 F?</p> <p>4 A. Yes: It's "Faith Christian 7912."</p> <p>5 Q. Is that the phone number?</p> <p>6 A. That's their general file number, right.</p> <p>7 MS. SOMMER: Okay, thank you.</p> <p>8 That's all.</p> <p>9 MR. GROTH: I have one other</p> <p>10 question.</p> <p>11 (EXAMINATION)</p> <p>12 BY MR. GROTH:</p> <p>13 Q. Would it be correct to state that you did</p> <p>14 not investigate the Emily Mayer and Eric Romig</p> <p>15 accusations? You did not investigate it yourself.</p> <p>16 A. I think that's right. I just want to</p> <p>17 think through all the implications.</p> <p>18 I got all my information from Ryan, so I</p> <p>19 didn't talk to anybody or do an independent</p> <p>20 investigation.</p> <p>21 Q. That was my next question: Whatever</p> <p>22 facts you got were facts developed solely by Ryan</p> <p>23 Clymer, correct?</p> <p>24 A. Told to me by Ryan Clymer.</p> | <p>1 12:25 p.m.)</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> |
| Page 102 | Page 104 |
| <p>1 Q. Developed and told to you by Ryan Clymer,</p> <p>2 correct?</p> <p>3 A. Correct.</p> <p>4 Q. And he never asked you to actively get</p> <p>5 involved in the investigation, in his</p> <p>6 investigation.</p> <p>7 A. Not in the investigation -- he wanted me</p> <p>8 to come to the school and help convince the board,</p> <p>9 if he needed it -- I understand he didn't need it,</p> <p>10 but if he needed it -- to keep Romig out.</p> <p>11 Q. I'm asking about the fact-gathering</p> <p>12 process: Mr. Clymer never asked you to get</p> <p>13 directly involved in the fact-gathering process.</p> <p>14 Is that correct?</p> <p>15 A. Never, that I remember.</p> <p>16 Q. He did not ask you to.</p> <p>17 A. Not that I remember.</p> <p>18 Q. Okay.</p> <p>19 MR. GROTH: Thank you. I have no</p> <p>20 further questions. Thank you very much, Mr.</p> <p>21 Drake.</p> <p>22 THE WITNESS: Thank you, Mr.</p> <p>23 Groth.</p> <p>24 (The deposition was concluded at</p> | <p>CERTIFICATION</p> <p>-----</p> <p>I hereby certify that the testimony and the proceedings in the foregoing matter are contained fully and accurately in the stenographic notes taken by me and that the copy is a true and correct transcript of the same.</p> <p>_____ Lance A. Brusilow Registered Professional Reporter Certified Realtime Reporter</p> <p>The foregoing certification does not apply to any reproduction of the same by any means unless under the direct control and/or supervision of the certifying shorthand reporter.</p> <p>-----</p> |

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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA
CIVIL TRIAL DIVISION

| | | |
|--------------------------------------|---|--------------|
| JAMES NACE, et al | : | CIVIL ACTION |
| vs. | : | |
| PENNRIDGE SCHOOL DISTRICT, et al. | : | NO. 15-333 |

Friday, November 20, 2015

 COPY

Oral deposition of TRACY A. FRETZ, held
at the law offices of DRAKE, HILEMAN & DAVIS,
252 W. Swamp Road, #15, Doylestown, Pennsylvania,
beginning at 11:45 a.m., on the above date, before
LANCE A. BRUSILOW, Registered Professional
Reporter, Approved Reporter for the United States
District Court, and Notary Public, there being
present.

brusilow + associates
255 South 17th Street
Suite 1503
Philadelphia, PA 19103
215.772.1717
www.brusilow.com

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WITNESS: TRACY A. FRETZ

| | |
|-----------------|---------------|
| By Mr. Groth: | Page 5 and 90 |
| By Mr. Russell: | Page 87 |

EXHIBITS

| NO. | DESCRIPTION | PAGE |
|-----|---|------|
| 1 | Two-page letter dated April 10, 2015 from D. Groth to L. Fretz | 19 |

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1 (It is hereby agreed by and among
2 counsel that sealing, certification and
3 filing are waived; and that all objections,
4 except as to the form of the question, are
5 reserved until the time of trial)

6 TRACY A. FRETZ, having been first
7 duly sworn, was examined and testified as
8 follows:

9 (EXAMINATION)

10 BY MR. GROTH:

11 Q. Good morning. Would you state your full
12 name for the record, please?

13 A. Tracy Ann Fretz.

14 Q. Mrs. Fretz, my name is David Groth, and I
15 represent Elizabeth Nace in a lawsuit that's
16 currently pending in Federal District Court in
17 Philadelphia regarding incidents and events that
18 occurred involving Eric Romig back in 2013.

19 I'm going to ask you some questions
20 regarding issues and topics that I think are
21 important to this case that go back well before
22 2013, even back to 2007, 2008 and 2009.

23 Let me ask you first, have you ever been
24 in a deposition before? Have you ever given a

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1 deposition?

2 A. No.

3 Q. Let me give you some brief instructions
4 that will help us get through this quickly and
5 efficiently, hopefully.

6 First of all, listen to the questions
7 that I ask you and make sure that you understand
8 the question before you give an answer.

9 If you don't understand the question,
10 because lawyers get wordy sometimes and there are
11 long, run-on sentences with maybe a short answer
12 to follow, but if you don't understand the
13 question, ask me to rephrase or clarify or restate
14 the question, and I'll be happy to do that for you
15 before you begin your answer.

16 If you give me answer to a question, I'll
17 assume that you understood the question and that
18 the information that you're giving me is your best
19 recollection of facts and events going back some
20 years.

21 Let me complete the question before you
22 answer, and I'll let you complete your answer
23 before I start the next question, for two reasons.

24 Number one, unless you hear the whole

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1 question, you don't know what I'm asking you, so
2 you have to listen to the whole question even if
3 you know where I'm going or want to jump in with
4 an answer.

5 Number two, the court reporter is going
6 to make a typed transcript of everything that's
7 said at the deposition, and he can only do that if
8 the parties aren't talking over each other. So, it
9 gives him a chance to get a clean transcript.

10 If you give me an answer to a question,
11 I'll assume you understood the question and that
12 you're giving me your best recollection of facts
13 and events going back, as I said, a number of
14 years.

15 You have to give a verbal response to all
16 questions; that is, a yes, a no, or some verbal
17 explanation or narrative answer to the question.

18 You can't gesture, shake your head no,
19 shake your head yes, hand gesture or say uh-huh,
20 because that could be unclear in the transcript.
21 So yes, no or a narrative. All right?

22 A. All right.

23 Q. You have to answer every question I ask
24 you fully and to the best of your ability

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1 unless -- well, you don't have an attorney. You
2 have to answer every question I ask you fully and
3 totally to the best of your ability.

4 There may be objections to questions I
5 ask you from the other attorneys sitting around
6 the table. If they do object to a question, just
7 allow them to state their objection and then
8 you're going to proceed to answer the question.

9 All right?

10 A. Yes.

11 Q. I'm going to ask you questions seeking
12 facts and information that you know personally or
13 may have heard or learned from others or gotten
14 through other sources.

15 People are familiar with the term
16 "hearsay." In this deposition setting, as opposed
17 to the court, it doesn't really have any
18 importance.

19 Whether the information you know is
20 because you knew it yourself or somebody told you
21 or you got some information from another source,
22 any other source, you can give me the information.
23 You don't have to worry about being told something
24 by somebody else.

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1 Since we are going back some time, there
2 is certainly a possibility that you may have
3 forgotten some information that you knew at one
4 time. If you don't recall the information that I
5 ask you for, even though you knew if at one time,
6 you can tell me you don't recall it and that will
7 be a sufficient answer.

8 If you never knew the information I'm
9 asking you, you can tell me "I never knew that"
10 and that will be a sufficient answer. Don't feel
11 compelled to provide an answer to every question
12 just because it's asked.

13 I don't know what you know until I start
14 asking you questions and you start answering
15 questions.

16 Don't guess or assume or speculate in
17 response to any question. I'm not asking you to
18 guess about anything here. Again, if you don't
19 know the answer to a question or have any facts
20 responsive to it, that will be a sufficient
21 answer.

22 Are you feeling okay today? Is there any
23 health reason or medical reason or
24 prescription-drug reason or any other reason why

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1 you can't participate and answer questions to the
2 best of your ability?

3 A. No.

4 Q. Do you understand that you're required to
5 answer all of my questions truthfully and that
6 you've taken an oath and sworn to do so?

7 A. Yes.

8 Q. And do you understand that your testimony
9 under oath at this deposition today is the same as
10 if you would be testifying in court in front of a
11 judge and jury if this case goes to trial?

12 A. Yes.

13 Q. If you need a break at any time for any
14 reason, just let us know and we'll accommodate you
15 as best we can.

16 Do you understand those instructions?

17 A. Yes.

18 Q. As a witness, you have the right to read
19 and sign the transcript after the court reporter
20 makes a typed transcript of your testimony. That
21 means you can look at it to see whether or not the
22 court reporter got down your testimony correctly.

23 You can waive that right, if you want to,
24 and nobody will send you a copy of the transcript

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1 and you don't have to read it or sign it or do
2 anything with it.

3 If you want to read and sign, we'll send
4 you a copy of the transcript. You can read it and
5 there will be an errata sheet, which is an error
6 sheet, and by page and line number you will say
7 "The transcript says this. That's not what I said
8 in the deposition. I said this" and you can
9 correct it that way.

10 Would you like to read and sign, or just
11 trust the court reporter has gotten the transcript
12 down correctly?

13 A. I would like to read and sign.

14 Q. Let me ask you first: You received a
15 subpoena from me and my office regarding your
16 attendance at a deposition today, correct?

17 A. Yes.

18 Q. And that deposition was scheduled to take
19 place in my office in Philadelphia, correct?

20 A. Yes.

21 Q. Did you ever have any contact with me or
22 anybody else at my office in response to receiving
23 this subpoena?

24 A. No.

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1 Q. Did anybody from Faith Christian
2 Academy -- the athletic director, attorneys or any
3 employees -- contact you about the deposition?

4 A. Yes.

5 Q. Who was that?

6 A. Henry.

7 Q. Henry Thompson, who is sitting in the
8 room with us today?

9 A. Yes.

10 Q. When did he contact you?

11 A. The other day. I don't recall.

12 Q. A few days ago?

13 A. Yes, this week, about changing the
14 location.

15 Q. Did you know Mr. Thompson before that
16 telephone call?

17 A. Yes.

18 Q. How did you know him?

19 A. I have known him for years, since he was
20 a little child from church.

21 Q. From Faith Baptist Church?

22 A. Yes. A little child; I mean a teenager.

23 Q. Tell me what you discussed with Mr.
24 Thompson during that telephone call.

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1 A. He contacted me and said "I know you have
2 a deposition on Friday at one o'clock in Philly.
3 Would you like to change it to Doylestown"? I said
4 sure. That's pretty much it.

5 Q. How long did the conversation last?

6 A. Probably less than two minutes.

7 Q. Did you talk about anything involving the
8 case, any facts about the case or anything about
9 why somebody might be asking you to give a
10 deposition in a case?

11 A. No.

12 Q. Did he tell you anything about Faith
13 Christian Academy's participation in the case?

14 A. No.

15 Q. Did he tell you that Faith Christian
16 Academy was a defendant in the case?

17 A. No.

18 Q. Did you know that?

19 A. Yes.

20 Q. From the subpoena?

21 A. Yes.

22 Q. Did you know that before receiving the
23 subpoena?

24 A. Yes.

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1 Q. How did you know that?

2 A. Because of the relationship I have with
3 the school. My dad works there and I have friends
4 that work there.

5 Q. And who is your dad?

6 A. Joseph McGorry. I will say he has never
7 discussed it with me.

8 Q. What's his position at the church?

9 A. He's a teacher.

10 Q. Teaching what?

11 A. History.

12 Q. Did he ever teach Eric Romig?

13 A. No.

14 Q. Did he ever teach Ryan Clymer?

15 A. No, I do not believe so, because he's
16 been there since 2001.

17 Q. Okay.

18 A. So. . .

19 Q. Did he ever teach Emily Mayer?

20 A. Possibly. I didn't know who was in his
21 class, but possibly.

22 Q. Did he teach your daughter?

23 A. Yes.

24 Q. What subjects?

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1 A. History -- that I can recall -- and
2 Bible.

3 Q. Do you know if he taught Kristen Kennedy?

4 A. Yes, possibly, because she was in her
5 class, Lauren's class. So, possibly.

6 Q. What about Kayla Young?

7 A. Yes, possibly. Again, the same.

8 MR. RUSSELL: You're saying "yes,
9 possibly." It's trailing off a little bit.
10 I just want to make sure that --

11 THE WITNESS: I'm not sure who my
12 dad had in his classes. I just know he
13 taught there and I know my daughter was in
14 one of his classes.

15 I'm assuming the other ones were
16 because it's a small school and they're
17 usually all in the same class.

18 BY MR. GROTH:

19 Q. Before this deposition today did you
20 review any documents, any written documents, to
21 help you prepare for the deposition?

22 A. No.

23 Q. Did you discuss your deposition with any
24 attorneys for Faith Christian Academy?

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1 A. No.

2 Q. Have you ever had any discussion with
3 Jonathan Russell, who is sitting on your left?

4 A. No.

5 Q. Did you know him before today?

6 A. No.

7 Q. Did you have any discussion with Ryan
8 Clymer prior to your deposition today about your
9 deposition?

10 A. No.

11 Q. Did you have any discussion with Ryan
12 Clymer before today about Emily Mayer's accusation
13 against Ryan Clymer with regard to inappropriate
14 texting?

15 A. No.

16 MS. OLSZEWSKI: Objection. You
17 said her allegation against Ryan Clymer.

18 MR. GROTH: I'm sorry, against
19 Eric Romig. Thank you.

20 MS. OLSZEWSKI: Sure.

21 THE WITNESS: I don't recall. I
22 mean, can you rephrase that, please?

23 MR. GROTH: Yes.

24

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1 BY MR. GROTH:

2 Q. In terms of your preparation for this
3 deposition today, did you talk to Ryan Clymer at
4 all about the Emily Mayer/Eric Romig situation
5 back in 2009?

6 A. No.

7 Q. Did you talk to anybody else from the
8 school about that situation?

9 A. No.

10 Q. And by "situation" I'm referring to a
11 series of events where Emily Mayer made
12 allegations against Eric Romig about inappropriate
13 texting to her by him.

14 Are you aware of that series of events
15 back in 2009?

16 A. Yes.

17 Q. So, when I say the Emily Mayer/Eric Romig
18 situation, you know what I'm referring to.

19 A. Yes.

20 Q. Thank you. Did you talk to your daughter
21 Lauren about your being subpoenaed to testify?

22 A. Yes.

23 Q. When did you talk to her?

24 A. Approximately a week ago. I'm trying to

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1 think when I received the subpoena, so it was
2 shortly -- maybe a day or two after that.

3 Q. The subpoena was mailed out on November
4 3rd.

5 A. Well, actually I was away that week. I
6 returned from Florida that Saturday, the 6th or
7 7th, whatever it was, so it may have been the
8 following Monday or Tuesday.

9 Q. Did you call her?

10 A. Yes.

11 Q. Tell her about the subpoena?

12 A. Well, I called her to talk to her and
13 then I mentioned it, because I didn't really want
14 to talk to her about it and it was on my mind, so.
15 . .

16 Q. Well, that was my next question: Did you
17 talk to her at all about being subpoenaed to
18 testify in this case?

19 A. Yes.

20 Q. What was the discussion? I want to know
21 what you said to her and what she said to you, as
22 best you can recall it.

23 A. I basically said, "I can't believe this.
24 I have nothing to give." She said to me "Just

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1 tell the truth, mom" and I said "I will."

2 Q. Now, you knew that she had previously
3 received a letter from me that asked her to
4 contact me about information she might have
5 relevant to this case?

6 A. I did not know she received it from you.
7 She did say she received a letter from an
8 attorney.

9 Q. Did you ever see a copy of the letter?

10 A. No. She's in California; I'm here.

11 Q. Well, there is --

12 A. She never sent to it me, never told me
13 anything about the letter, other than that she
14 received a letter.

15 (Exhibit T. Fretz-1 was marked for
16 identification)

17 BY MR. GROTH:

18 Q. I'm going to show you what's been marked
19 T. Fretz exhibit number one. It's a letter from
20 me to Lauren Fretz dated April 10, 2015.

21 Specifically, that's the letter I was
22 just referring to in my questions, and you can
23 just look at it briefly and tell me if you've ever
24 seen that letter. You don't have read the whole

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1 thing. If you've never seen it, you've never seen
2 it.

3 A. I've never seen it.

4 Q. Okay. Do you recall Lauren telling that
5 you sometime back around April of 2015 that she
6 did receive a letter from an attorney?

7 A. Yes.

8 Q. Was there a discussion between you and
9 her at that time as to whether or not she was
10 going to respond to that letter in any way?

11 A. She did tell me that she didn't know if
12 she would call back; that she said "I spoke to the
13 Bucks County Detectives. I have nothing to give
14 them. I don't know why I keep getting called up
15 about this."

16 Q. Did she tell that you she never actually
17 did talk to me?

18 A. Yes: I asked her if she had called, and
19 she said no.

20 Q. Did she tell you whether or not she had
21 ever received any calls from Faith Christian
22 Academy attorneys?

23 A. No.

24 Q. Did she say to you whether or not she's

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1 ever been contacted or had any discussion, rather,
2 with any Faith Christian Academy attorneys?

3 A. No.

4 Q. Did she tell you whether or not she was
5 ever contacted or was attempted to be contacted by
6 Henry Thompson from Faith Christian?

7 A. No.

8 Q. Did Henry Thompson tell you whether or
9 not he ever attempted to contact Lauren Fretz?

10 A. No.

11 Q. Is Lauren Fretz' address 123 Sun Ridge
12 Street, Playa del Rey, California?

13 A. No.

14 Q. What is it?

15 A. She moved. I can't find my calendar that
16 has it in there. If you want to ask me another
17 question, I'll keep digging.

18 Q. No, keep digging. It's a big purse.

19 A. Yes, I know. It's 1051 Meadowbrook
20 Avenue, Los Angeles, California 90019.

21 Q. Is that an apartment?

22 A. I think it's an old home that's split
23 into -- I think there is only one apartment
24 attached to the house, but she's in the house.

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1 Q. How long has she lived there?

2 A. I believe since July.

3 Q. Do you know who she is employed by?

4 A. Gosh. Yes, it's a clinic. It's
5 MetaTouch Clinic. She's a massage therapist in
6 Culver City.

7 Q. Do you know how long she's worked there?

8 A. I am not sure. It has probably been over
9 a year.

10 Q. She's worked as a massage therapist at
11 other locations out in the Los Angeles area before
12 this? Is that correct?

13 A. Yes. I'm trying to think. I believe so.
14 I'm trying to remember what she did before.

15 Q. Do you have a Facebook account?

16 A. Yes.

17 Q. Does your daughter?

18 A. Yes.

19 Q. Do you communicate by Facebook?

20 A. Rarely.

21 Q. Sometimes?

22 A. Very rarely.

23 Q. What about back in 2009? Did you have an
24 account on Facebook?

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1 A. Possibly. I don't know when I first
2 started.

3 Q. What about your daughter, Lauren?

4 A. Probably.

5 Q. Do you know Pastor Tim Kuhn?

6 A. Yes.

7 Q. How do you know him?

8 A. From church, from Faith Baptist.

9 Q. He left sometime ago, correct?

10 A. Yes.

11 Q. Have you kept in touch with him?

12 A. No.

13 Q. Do you know if your daughter keeps in
14 touch with him?

15 A. No.

16 Q. Do you know if your daughter is listed as
17 a contact on his Facebook account?

18 A. No, I do not. When you say kept in
19 contact, his wife is a friend of mine on Facebook.
20 I mean, that's pretty much the only contact there
21 is.

22 Q. What's his wife's name?

23 A. Cindy.

24 Q. I want to get some background information